IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.388 OF 2004
AND
INCOME TAX APPEAL NO.389 OF 2004
AND
INCOME TAX APPEAL NO.458 OF 2004

M/s.Nahalchand Laloochand Pvt. Ltd., Mumbai .. Appellant.

V/s.

The Asstt. Commissioner of Income Tax, Circle 5(2), Mumbai & others .. Respondents.

Mr.M. Subraanian i/b. V.S. Hadade for the appellant.

Mr.Ashok Kotangale with Mr.A.S. Rao for the respondents.

CORAM : H.L. GOKHALE &
J.P. DEVADHAR, JJ.

DATED : 28TH NOVEMBER, 2005.

P.C. :

1. Heard Mr.Subramanian in support of all these appeals. Mr.Rao appears for the respondents.

2. In each appeal, two questions of law have been raised. Firstly, whether the tribunal was in error in covering the income from house property named Kantilal House under Section 27 (iiib) of the Income Tax Act, 1961 and secondly whether the tribunal was in error in not following the judgment

of the Division Bench of this Court in the case of CIT V/s. T.P. Sidhwa reported in 133 I.T.R. 840 (Bom).

3. As far as first submission is concerned, the definition excludes only those tenants from month to month or which are for a period not exceeding one year. In the instant case, the assessee has been a tenant for a long period and had let out the premises further to Bank of Baroda. Surely, the income therefrom will have to be covered under the definition as it has been amended with effect from April 1, 1988. As far as the judgment in the case of CIT V/s. T.P. Sidhwa (supra) is concerned, it was rendered on December 10, 1980 on the law as it then stood. That being so, we do not find any error in the decision of the Tribunal.

4. All the appeals stands disposed of with no order as to costs.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)